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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/694,349

10/28/2003

Wolfgang Lubcke

9090-0158

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BACON & THOMAS, PLLC

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EXAMINER

ZHU, JOHN X

ART UNIT

PAPER NUMBER

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MAIL DATE

DELIVERY MODE

03/11/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte WOLFGANG LUBCKE, PETER GERST,
and JEAN-GYL CAPT

Application No. 10/694,349
Technology Center 2800

Mailed: March 11, 2009

Before CAROLYN L. JOHNSON, *Supervisory Paralegal Specialist*.
JOHNSON, *Supervisory Paralegal Specialist*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on August 18, 2008. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

EXAMINER'S CONSIDERATION OF REPLY BRIEF

A Reply Brief was filed in this application on August 27, 2007. The Examiner responded to Appellants' Reply Brief in a communication dated November 28, 2007. A review of the application reveals that the Examiner did not appropriately respond to Appellants' Reply Brief in accordance with 37 C.F.R. § 41.43(a)(1) and MPEP § 1208, part II.

CONCLUSION

Accordingly, it is

ORDERED that the application is returned to the Examiner to:

(1) appropriately consider the Reply Brief filed August 27, 2007 as indicated above; and

(2) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

CLJ

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